

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **BREATHING ASSISTANCE APPARATUS** the specification of which

(check one) [ ] is attached hereto.  
 was filed on February 18, 2005 as Application Serial No. PCT/NZ2005/000023 and was amended on August 16, 2006. (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
<u>531332</u> (Number)	<u>New Zealand</u> (Country) <u>23 February 2004</u> (Day/Month/Year Filed) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>534606</u> (Number)	<u>New Zealand</u> (Country) <u>06 August 2004</u> (Day/Month/Year Filed) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below; insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Richard A. Giangiorgi, Reg. 24,284; Raiford A. Blackstone, Jr., Reg. 25,156; David J. Marr, Reg. 32,915; Linda L. Palomar, Reg. 37,903; James R. Foley, Reg. 39,979; Timothy M. McCarthy, Reg. 42,855; and James O'Malley, Reg. 45,952.

SEND CORRESPONDENCE TO: **TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.**  
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DIRECT TELEPHONE CALLS TO: **(312) 704-1890 RAIFORD A. BLACKSTONE, JR. (REG. 25, 156)**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	<u>ALASTAIR EDWIN McAULEY</u>
Inventor's signature	<u>ALASTAIR EDWIN McAULEY</u>
Date	<u>7/7/06</u>
Residence City	<u>Auckland</u>
Country	<u>New Zealand</u>
Citizenship	<u>New Zealand</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second inventor CRAIG ROBERT PRENTICE  
Inventor's signature [Signature] Date 7/9/06  
Residence City Auckland Country New Zealand  
Citizenship New Zealand  
Post Office Address 95 Kiwi Esplanade, Mangere Bridge, Auckland, New Zealand

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of third inventor OLIVER GLEESON Inventor's  
signature [Signature] Date 7/9/06  
Residence City Auckland Country New Zealand  
Citizenship New Zealand  
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